

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA

|                               |   |            |
|-------------------------------|---|------------|
| THIELE DAIRY, LLC, A Nebraska | ) |            |
| Limited Liability Company,    | ) |            |
|                               | ) |            |
| Plaintiff,                    | ) | 4:08CV3015 |
|                               | ) |            |
| v.                            | ) |            |
|                               | ) |            |
| EARTHSOILS, INC., a Minnesota | ) | ORDER      |
| Corporation, and              | ) |            |
| MIKE A. MCCORMACK,            | ) |            |
|                               | ) |            |
| Defendants.                   | ) |            |
| _____                         | ) |            |

Upon consideration of the plaintiff's request for an order requiring designation of discovery material intended to be used at trial,

IT IS ORDERED, the motion, filing no. [77](#), is granted and

1. Each party shall, not later than May 1, 2009, serve upon all other parties its designations of discovery material it intends to offer in its case in chief other than for solely impeachment purposes. Such designations shall be by page and line with respect to deposition designations.

2. Objections to the use of such designations shall be filed not later than May 8, 2009.

3. Counter-designations pursuant to [Fed. R. Civ. P. 32\(a\)\(6\)](#) shall be made by May 15, 2009.

4. Objections to counter-designations shall be filed not later than the date of the final pretrial conference.

5. All designations, objections, counter-designations, and objections to counter-designations shall be incorporated into the final pretrial order. Any objections not made by the date and in the manner prescribed by this order shall be deemed waived.

Copies of the related discovery materials shall be delivered to the chambers of the trial judge not later than five days prior to trial.

DATED this 2<sup>nd</sup> day of March, 2009.

BY THE COURT:

s/ *David L. Piester*

David L. Piester  
United States Magistrate Judge